

### **REMARKS**

Please cancel claims 1-36, 65, and 66 without prejudice. Claims 37-64 and 67-69 are currently pending in the present Application. The Office Action indicated that claims 1-69 are allowable over the art of record. Applicant is appreciative to the Examiner for the indication of allowable subject matter.

Applicant initially notes that the Notice of Non-Compliant Amendment mailed on April 9, 2009 states that Applicant's previous Amendment failed to meet the requirements of 37 C.F.R. § 1.121 or 1.4. Applicant respectfully traverses this statement because Applicant's prior Amendment complied with all applicable provisions of 37 C.F.R. § 1.121 and 1.4. While the meaning of the statement contained in the Notice labeled "Continuation of 4" is unclear, Applicant interprets the statement to indicate that claims 65 and 66 are improper because they depend from a cancelled claim. Applicant points out that claims 65 and 66 were allowed in the prior Office Action issued by the U.S. Patent and Trademark Office. Nonetheless, because these claims depend from cancelled claims, Applicant hereby requests cancellation of claims 65 and 66 without prejudice.

#### **I. Claim Objections**

The Office Action objected to claims 1-69 on the basis of the use of the "adapted to" phrase. Applicant notes that the objection was not a rejection based on any of the patentability requirements set forth by the U.S. Patent Laws (35 U.S.C. § 1 *et seq.*). As noted above, Applicant has cancelled claims 1-36, 65, and 66. In order to move the

present Application forward to issuance, Applicant has removed the objected-to phrase from claims 37-64 and 67-69. Removal of the "adapted to" language does not change the scope of the claims and was not made in response to a rejection of patentability.

Per the Examiner's request, claim 60 has been amended to clarify the acronym "AHP."

**II. 35 U.S.C. § 101**

The Office Action rejected claims 1-36 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. While Applicant respectfully traverses this basis of rejection, claims 1-36 have been cancelled in order to move the present Application forward to issuance. Applicant respectfully reserves the right to pursue patent protection for claims 1-36 at another time.

Although the Office Action indicated that claims 65 and 66 were allowable, each depends from a rejected claim. Applicant therefore has cancelled these claims without prejudice for the same reasons claims 1-36 have been cancelled. Applicant respectfully reserves the right to pursue protection for claims 65 and 66 at another time.

**III. Conclusion**

As all outstanding issues have been addressed, favorable action by the Examiner is respectfully requested. The Examiner is invited to call the undersigned in an effort to discuss and resolve any remaining issues.

Application No. 10/771,709  
Amendment of April 22, 2009  
Office Action of April 9, 2009

Respectfully submitted,

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